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Attorneys for Defendant
ROYAL & SUN ALLIANCE INSURANCE PLC

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DONALD J. SMITH and ELEANOR R. SMITH,
his wife,

Plaintiffs,

vs.

S&S DUNDALK ENGINEERING WORKS, LTD.,
Q. M. I., LTD., MOFFETT ENGINEERING,
ROYAL & SUN ALLIANCE INSURANCE,
CCM INSURANCE BROKERS and/or
AON MACDONAGH BOLAND, INTERNATIONAL
PAPER COMPANY, JOHN DOE INSURANCE
COMPANY, being a fictitious name, the true name
presently unknown, jointly, severally and/or individually,

Defendants.

RECEIVED

FEB 7 2001

AT 8:30
WILLIAM T. WALLS
CLERK

FILED

FEB 7 2001

AT 8:30
WILLIAM T. WALLS
CLERK

Case No. 2:00cv02660 (WHW)

Civil Action

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT
PURSUANT TO FED. R. CIV.
PRO. 12(B)(2) AND FOR
FORUM NON CONVENIENS**

PLEASE TAKE NOTICE that defendant Royal & Sun Alliance Insurance plc ("Royal & Sun UK"), by its attorneys, Sonnenschein Nath & Rosenthal, will move this Court, before Judge William H. Walls, at the Courthouse located at 50 Walnut Street, Newark, New Jersey 07101, Courtroom 4D, on March 12, 2001 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order dismissing the complaint as against Royal & Sun UK pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure for lack of personal jurisdiction over Royal

& Sun UK and for *forum non conveniens*. Royal & Sun UK will rely on the accompanying declaration of Peter Mancini, dated February 6, 2001 and the accompanying memorandum of law.

This motion is being made pursuant to the provisions of Rule 7.1 of the Local Civil Rules of the United States District Court for the District of New Jersey. Answering papers, if any, shall be served on the undersigned pursuant to the applicable provisions of those Rules and the Federal Rules of Civil Procedure.

Dated: New York, New York
February 6, 2001

SONNENSCHN NATH & ROSENTHAL

By: Michael S. Gugig
Michael H. Barr (MHB 7171)
Stephen L. Brodsky (SLB 4354)
Michael S. Gugig (MSG 6000)

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*Attorneys for Defendant
Royal & Sun Alliance Insurance plc*

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Q. M. I., LTD., MOFFETT ENGINEERING,
ROYAL & SUN ALLIANCE INSURANCE,
CCM INSURANCE BROKERS and/or
AON MACDONAGH BOLAND, INTERNATIONAL PAPER
COMPANY, JOHN DOE INSURANCE COMPANY, being a
fictitious name, the true name presently unknown, jointly, severally
and/or individually,

Defendants.

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AFFIDAVIT OF SERVICE

STATE OF NEW YORK }
ss.:
COUNTY OF NEW YORK }

NIKIYA T. ALEXANDER, being duly sworn, deposes and says:

I am not a party to this action; I am over 18 years of age; I reside at Kings County, New York.

On February 6, 2001, I served the within NOTICE OF MOTION TO DISMISS THE COMPLAINT PURSUANT TO FED. R. CIV. PRO. 12(B)(2) AND FOR FORUM NON CONVENIENS, DECLARATION OF PETER MANCINI IN SUPPORT OF DEFENDANT ROYAL & SUN ALLIANCE INSURANCE PLC'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND FORUM NON CONVENIENS, ORDER GRANTING MOTION TO DISMISS THE COMPLAINT AS AGAINST DEFENDANT ROYAL & SUN ALLIANCE INSURANCE PLC PURSUANT TO FED. R. CIV. PRO. 12(B)(2) AND FOR FORUM NON CONVENIENS and ROYAL & SUN ALLIANCE INSURANCE PLC'S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION TO DISMISS THE COMPLAINT FOR LACK OF PERSONAL JURISDICTION AND FORUM NON CONVENIENS upon:

Randall G. Tashjian, Esq.
15 Warren Street, Suite 39
Hackensack, New Jersey 07601

X BY FEDERAL EXPRESS. The address designated by said attorney for that purpose by delivering a true copy of same enclosed in a postpaid, properly addressed wrapper, to a representative of Federal Express.

NIKIYA ALEXANDER

Sworn to before me this
6th day of February, 2000


NOTARY PUBLIC

STEPHEN L. BRODSKY
Notary Public, State of New Jersey
No. 02BR6036176
Qualified in Nassau County
Commission Expires January 18, 2002